

ORIGINAL

BEFORE THE  
Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Pima, Arizona)

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MM Docket No. \_\_\_\_\_

RM- \_\_\_\_\_

To: The Chief, Allocations Branch

PETITION

AUG 13 1997

FILED

**PETITION FOR RULEMAKING**

R.A. Montierth Enterprises, L.L.C. ("Montierth"), by its attorney and pursuant to Section 1.401 of the Commission's Rules, hereby petitions the Commission to issue a Notice of Proposed Rule Making to amend Section 73.202(b), Table of Allotments, FM Broadcast Stations, to allot Channel 296A at Pima, Arizona, as that community's first local service. Should Channel 296A be allotted at Pima, Montierth will file an application to construct an FM broadcast station on that channel and will promptly construct such a station if its application is granted.

Pima, Arizona easily qualifies as a community for allotment purposes. Pima is an incorporated town with a population of 1,724 persons according to the 1990 U.S. Census. Based on information from the U.S. Geological Survey Geographic Names Information System, Pima's estimated 1994 population has increased to 1,853. Pima has a city hall, an elementary school, a high school, a fire station, a post office, a public library, and a railroad station. It also has a number of churches, a swimming pool, and a town water and sewer system. Pima is the headquarters for the Graham County, Arizona Electric Cooperative.

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As shown in the attached Engineering Statement by Mark B. Peabody of the consulting engineering firm of Cavell, Mertz & Perryman, Inc., Channel 296A can be allotted at Pima at the community's nominal atlas reference point in compliance with the Commission's city-grade coverage requirements and all applicable minimum distance separation requirements.<sup>1/</sup>

The Commission has long held that providing a community with its first local service is one of the top priorities of its FM allotment policy. See Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88, 92 (1982). Pima, Arizona has no local aural broadcast service despite the fact, as detailed above, that it qualifies as a community for allotment purposes. The allotment of Channel 296A at Pima as its first local service would therefore further the Commission's FM allotment policy and Section 307(b) of the Communications Act, as amended. In accordance with Commission allotment policy, Montierth states its intention to submit an application for Channel 296A at Pima if that channel is allotted, and to promptly construct a station on that channel if its application is granted.

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<sup>1/</sup> As noted in the Engineering Statement, Montierth requests that the Commission request from Mexico a coordinated allotment for Pima, Arizona on Channel 296B. The reference point for the requested allotment meets all pertinent separation requirements toward identifiable Mexican stations and allotments as a Class B station.

For the foregoing reasons, Montierth respectfully requests the Commission to institute a rulemaking proceeding to allot Channel 296A at Pima, Arizona.

Respectfully submitted.

**R.A. MONTIERTH  
ENTERPRISES, L.L.C.**

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By: 

Gregory L. Masters

Its Attorney

Dated: August 13, 1997

Engineering Statement  
**Petition for Rulemaking**  
**to Amend the FM Table of Allotments (§73.202(b))**  
**Addition of Channel 296A at Pima, Arizona**

prepared for

**R.A. Montierth Enterprises L.L.C.**

**Introduction**

*R.A. Montierth Enterprises L.L.C.* ("*Montierth*") respectfully requests the Federal Communications Commission to amend Section 73.202(b) of its rules to add FM Channel 296A at Pima, Arizona. *Montierth* seeks to provide a first local aural service to the town of Pima in Graham County, Arizona.

**Ch. 296A at Pima, Arizona**

Pima is an incorporated town with a population of 1,724 people occupying 6.7 square kilometers as of the 1990 U.S. Census. Based on information from the U.S. Geological Survey Geographic Names Information System, the estimated 1994 population has increased to 1,853. The town of Pima has a city hall, an elementary school, a high school, a fire station, a post office, a public library, and a railroad station. Based on information supplied by *Montierth*, the town of Pima has a number of churches, a swimming pool, as well as a town water and sewer system and the headquarters for the Graham County Electric Cooperative.

*Montierth's* proposed reference point for Pima (North Latitude 32° 53' 36" West Longitude 109° 49' 42") is the nominal Atlas reference point for Pima, Arizona. The proposed reference point meets all pertinent minimum distance separation requirements for Channel 296A with respect to domestic, United States stations.

The incorporated town of Pima, Arizona is approximately 174 kilometers north of the U.S. Mexico border. Pima is within the 320 kilometer "strip" considered the "border area" in the 1992 U.S. - Mexico FM agreement. *Montierth* therefore

Engineering Statement  
**Petition for Rulemaking**  
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respectfully petitions the Commission to request from Mexico that a coordinated allotment be made for Pima, Arizona on Channel 296B. Montierth's proposed reference point for Ch. 296A with 6.0 kW/100m AAT facilities at Pima meets all pertinent separation requirements toward identifiable Mexican stations and allotments as a Class B station.


The use of Channel 296A at *Montierth's* proposed reference point (North Latitude 32° 53' 36" West Longitude 109° 49' 42") is within the town limits of Pima. From the proposed reference point, a 6.0 kW/100 meter Class A facility will be able to encompass the town of Pima with a 3.16 mV/m or better signal strength contour. From the proposed reference point, within the Class A class contour distance of 28 kilometers, there are 2,462 square kilometers and 21,667 people as of the 1990 U.S. Census.

**Conclusion**

*Montierth* respectfully requests that the Commission amend Section 73.202(b) to allot Channel 296A to Pima, Arizona with the reference point North Latitude 32° 53' 36" West Longitude 109° 49' 42" with no site restriction. Allotment of Channel 296A to Pima will provide a first local aural service to the town.

**Certification**

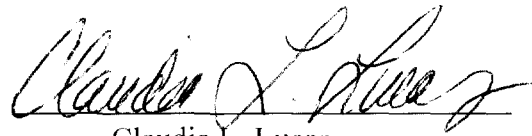
I, Mark B. Peabody, hereby certify that the foregoing statement was prepared by me or under my direction, that it is true and correct to the best of my knowledge and belief, and that my qualifications are a matter of record with the Federal Communications Commission.

  
Mark B. Peabody  
August 12, 1997

**CERTIFICATE OF SERVICE**

I, Claudia L. Lucas, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that a true copy of the foregoing **“PETITION FOR RULEMAKING”** was sent this 13th day of August, 1997, by hand delivery, to the following:

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 565  
Washington, D.C. 20554

  
\_\_\_\_\_  
Claudia L. Lucas